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EXAMINER

LEWIS, CHERYL RENE A

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 02/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/451,446

Applicant(s)

Wakamatus et al.

Examiner

Cheryl Lewis

Art Unit

2177



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Nov 30, 1999

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-35 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-35 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some\* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3

20) ☐ Other: \_\_\_\_\_

Art Unit: 2177

### III. DETAILED ACTION

1. Claims 1-35 are presented for examination.
2. The information disclosure statements filed on January 3, 2000, paper no. 3, complies with the provisions of MPEP § 609. They have been placed in the application file, and the information referred to therein has been considered as to the merits.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371<sup>6</sup> of this title before the invention thereof by the applicant for patent.

4. Claims 4-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Barr et al. (Pat. No. 5,742,816, filed 9/15/95).
5. Regarding Claim 4, Barr teaches a method and apparatus for identifying textual documents and multi-media files corresponding to a search topic.

Art Unit: 2177

The method and associated system for a method and apparatus for identifying textual documents and multi-media files corresponding to a search topic as taught or suggested by Barr includes:

an index image creating section creating an index image corresponding to a file (col. 15, lines 24-48, col. 19, lines 5-11) received from the information providing server (col. 15, lines 5-48, col. 19, lines 22-27); and a transmitting section transmitting, to the client, the index image created by the index image creating section (col. 15, lines 5-48, col. 19, lines 5-16, col. 20, lines 41-53) and link information to be access to the information providing server (col. 20, lines 25-60), link information *'(iv) retrieves text and multi-media files identified by user station 102 from database 118b using document retrieval system 136 and transits such files to user station 102. (V) transmits information representing each document retrieved from database 118b and user identification information...'*.

6. Regarding Claim 5, Barr teaches the transmitting section transmits the index image, the link information and a file received from the information providing server to the client (col. 19, lines 5-16, col. 20, lines 25-60, col. 21, lines 1-13, link information, *'document identification number of the document file to be retrieved. Based on this pointer information,...'*).

7. Regarding Claim 6, Barr teaches a searching section searching files corresponding to a request of the client respectively given from a plurality of information providing servers (col. 20, lines 25-51); the index image creating section respectively creates the index image

Art Unit: 2177

corresponding to each of the files searched by the searching section (col. 15, lines 5-48, col. 19, lines 5-16, col. 20, lines 25-67, col. 21, lines 1-25).

8. Regarding Claims 7 and 9, Barr teaches an element information storage section collecting and storing element information of the file held by the information providing server (col. 8, lines 50-67); a searching section extracting an element information corresponding to a request given from the client from the element information storage section (col. 8, lines 60-67); an index image creating section creating an index image corresponding to element information extracted by the searching section (col. 21, lines 1-25, col. 15, lines 5-48); and a transmitting section transmitting the index image, as a response corresponding to the request, created by the index image creating section to the client (col. 15, lines 5-48, col. 19, lines 5-16, col. 20, lines 25-60, *'(iv) retrieves text and multi-media files identified by user station 102 from database 118b using document retrieval system 136 and transmits such files to user station 102. (V) transmits information representing each document retrieved from database 118b and user identification information...'*).).

9. Regarding Claim 8, Barr teaches a display control file creating section creating a display control file including element information extracted and an index image created (col. 13, lines 1-29); and transmitting a display control file, as the response corresponding to the request, created by the display control file creating section to the client (col. 15, lines 5-48, col. 19, lines 5-16, col. 20, lines 41-53).

Art Unit: 2177

10. Regarding Claim 10, the limitations of this claim is noted in the rejection above. It is therefore noted in the rejection above.

11. Regarding Claim 11, Barr teaches an index image creating section creating an index image for displaying each of contents of the display control file and display file received from the information providing server by a single picture (col. 15, lines 24-48); and a display section displaying contents of the file received from the information providing server together with the index image (col. 15, lines 5-48).

12. Regarding Claim 12, Barr teaches the index image creating section, a plurality of files are received, creates an index image corresponding to each of the files received, (col. 14, lines 41-67, col. 15, lines 1-48), and the display section sequentially displays the plurality of index created images created (col. 14, lines 41-67, col. 15, lines 1-48).

13. Regarding Claim 13, Barr teaches the index image creating section, when a plurality of files are received, creating an index image corresponding to each of the files received (col. 14, lines 41-67, col. 15, lines 1-48), and the display section displays the plurality of index images in arrangement on the same screen (col. 14, lines 41-67, col. 15, lines 1-48).

14. Regarding Claim 14, Barr teaches the index image creating section, when a plurality of files are received, respectively creates the index images corresponding to each of the files received in accordance with a predetermined priority (col. 14, lines 41-67, col. 15, lines 1-48, col. 25, lines 9-24 and 40-67) and the display control section sequentially displays the plurality

Art Unit: 2177

of created index images in the sequence of being created by the index image creating section (col. 14, lines 41-67, col. 15, lines 1-48).

15. Regarding Claims 15 and 16, Barr teaches creating and index image displaying contents displayed by the display control file by a single picture (col. 15, lines 1-48); and transmitting an index image created together with the display control file to another server or the client (col. 15, lines 5-48, col. 19, lines 5-16, col. 20, lines 41-53).

16. Regarding Claim 17, Barr teaches obtaining element information of a file held an information providing servers (col. 8, lines 50-67, col. 14, lines 1-67, col. 15, lines 1-50); extracting element information corresponding to a request given from a client among obtained element information (col. 8, lines 50-67, col. 14, lines 1-67, col. 15, lines 1-50); creating an index image corresponding to extracted element information (col. 8, lines 50-67, col. 14, lines 1-67, col. 15, lines 1-50); and transmitting a created index image to the client (col. 15, lines 5-48, col. 19, lines 5-16, col. 20, lines 41-53).

17. Regarding Claims 18, Barr teaches creating a display control file including the element information and the created index image (col. 8, lines 50-67, col. 14, lines 1-67, col. 15, lines 1-50); and transmitting the display control file to the client (col. 15, lines 5-48, col. 19, lines 5-16, col. 20, lines 41-53).

18. Regarding Claim 19, Barr teaches obtaining and storing element information of the files held by an information providing server (col. 8, lines 50-67, col. 14, lines 1-67, col. 15, lines 1-50); creating and holding index images corresponding to each of the element information

Art Unit: 2177

stored (col. 8, lines 50-67, col. 14, lines 1-67, col. 15, lines 1-50); extracting an index image corresponding to a request given from a client from the index images held (col. 8, lines 50-67, col. 14, lines 1-67, col. 15, lines 1-50); and transmitting the index image extracted to the reference terminal (col. 15, lines 5-48, col. 19, lines 5-16, col. 20, lines 41-53).

19. Regarding Claim 20, Barr teaches extracting the element information corresponding to the extracted index image among element information stored (col. 8, lines 50-67, col. 14, lines 1-67, col. 15, lines 1-50); creating a display control file including an extracted element information and an extracted index image (col. 8, lines 50-67, col. 14, lines 1-67, col. 15, lines 1-50); and transmitting a created display control file to the client (col. 15, lines 5-48, col. 19, lines 5-16, col. 20, lines 41-53).

20. Regarding Claim 21, Barr teaches receiving a file containing a display control file and a display file corresponding to the display control file from an information providing server (col. 15, lines 49-67, col. 16, lines 1-61); creating an index image displaying contents of the display control file and the display file by a single picture and displaying the index image created (col. 14, lines 29-67, col. 15, lines 49-67, col. 16, lines 1-69).

21. Regarding Claim 22, Barr teaches displaying contents of the file received together with the index image (col. 14, lines 29-67, col. 15, lines 49-67, col. 16, lines 1-69).

22. Regarding Claim 23, Barr teaches a program by which an information providing server creates an index image (col. 9, lines 56-67, col. 10, lines 1-67), the index image displays a display control file including a display character storing and control character storing for



Art Unit: 2177

controlling a display by a single picture (col. 15, lines 1-48, col. 19, lines 5-48); and a program by which the information providing server transmits to a mediation server the index image created in response to a request given from the mediation server (figures 1 and 2).

23. Regarding Claim 24, Barr teaches a program by which the information providing server transmits the display control file together with the index image to the mediation server (col. 15, lines 5-48, col. 19, lines 5-16, col. 20, lines 41-53).

24. Regarding Claim 25, Barr teaches the information server creates an index image, the index image displays a display control file and a display file relating to the display control file by a single picture (figures 1-3, col. 15, lines 1-48); and a program by which the information providing server transmits to a mediation server the index image created in response to a request given from the mediation server (figures 1-3, col. 15, lines 5-48, col. 19, lines 5-16, col. 20, lines 41-53).

25. Regarding Claim 26, Barr teaches the information providing server transmits the display control file together with the index image to the mediation server (figures 1-3, col. 15, lines 5-48, col. 19, lines 5-16, col. 20, lines 41-53).

26. Regarding Claims 27, 29, and 30, Barr teaches a program by which a mediation server collects element information of file held by an information providing server (col. 8, lines 50-67, col. 14, lines 1-67, col. 15, lines 1-50); a program by which the mediation server extracts the element information corresponding to a request given from a client among the element information collected (col. 8, lines 50-67, col. 14, lines 1-67, col. 15, lines 1-50); a program

Art Unit: 2177

by which the mediation server creates an index image corresponding to the element information extracted (col. 8, lines 50-67, col. 14, lines 1-67, col. 15, lines 1-50); and a program by which the mediation server transmits the created index image to the client (col. 15, lines 5-48, col. 19, lines 5-16, col. 20, lines 41-53).

27. Regarding Claim 28, Barr teaches a program by which the mediation server creates a display control file including the element information extracted and the index image created (col. 8, lines 50-67, col. 14, lines 1-67, col. 15, lines 1-50); and a program by which the mediation server transmits the display control file created to the reference terminal (col. 15, lines 5-48, col. 19, lines 5-16, col. 20, lines 41-53).

28. Regarding Claim 31, Barr teaches a program by which the reference terminal receives from the mediation server a display control file and a display file related to the display control file (col. 15, lines 49-67, col. 16, lines 1-61); a program by which the reference terminal creates an index image displaying contents of the display control file and the display file by a single picture and a program by which the reference terminal displays an index image created (col. 14, lines 29-67, col. 15, lines 49-67, col. 16, lines 1-69).

29. Regarding Claim 32, Barr teaches a storing section storing a display control file, display control file including image data relating to the information, text data relating to the information and control data for displaying the text corresponding to the text data and the image corresponding to the image data to a screen of the client (col. 14, lines 29-67, col. 15, lines 1-48); a holding section holding the index image data corresponding to the information;

Art Unit: 2177

and a providing section providing the index image data with the client (col. 14, lines 29-67, col. 15, lines 1-67, col. 16, lines 1-67).

30. Regarding Claim 33, the limitations of this claim is noted in the rejection above. It is therefore rejected as set forth above.

31. Regarding Claim 34, Barr teaches the index image data includes data of a image in which a display size of a image displaying to the screen of the client as the information is reduced (col. 25, lines 29-36).

*Claim Rejections - 35 USC § 103*

32. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a

Art Unit: 2177

later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103<sup>®</sup> and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

33. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ooishi et al. (Pat. No. 5,628,010 filed 7/17/1996, hereinafter Ooishi) and Enokida et al. (Pat. No. 6,335,746 B1, filed 7/23/1997, hereinafter Enokida).

34. Regarding Claim 1, Ooishi teaches a method and device for accessing character files image data.

The method and associated system for a method and device for accessing character files image data as taught or suggested by Ooishi includes:

a storing section storing a display control file including a character string and a control character string for controlling the display (col. 6, lines 60-67, col. 7, lines 1-15).

Ooishi does not expressly teach an index image.

Enokida teaches an information processing method and apparatus for displaying a list of a plurality of image data files and a list of search results.

The method and associated system for an information processing method and apparatus for displaying a list of a plurality of image data files and a list of search results as taught or suggested by Enokida includes:

a holding section holding an index image (col. 6, lines 35-37) displaying a single picture (col. 6, lines 46-50) to be displayed according to the display control file (col. 6, lines

Art Unit: 2177

46-56); and a section providing an index image held by the holding section according to a request (figure 15, col. 12, lines 65-67, col. 13, lines 1-7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of Ooishi with the method of Enokida because Enokida's method enables a hierarchical tree structure comprising directories and files, wherein data of one image is assigned to one file and a group of image data is assigned a common directory name.

35. Regarding Claim 2, Enokida teaches an index image creating section creating an index image on the basis of the display control file (col. 6, lines 4-56).

36. Regarding Claim 3, Ooishi teaches the storing section (col. 6, lines 60-67, col. 7, lines 1-15) stores a display file related to the display control file (col. 6, lines 65-67, col. 7, lines 1-36).

Enokida teaches the index image displays contents of the display control file and the display file (col. 6, lines 35-56).

37. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barr et al. (Pat. No. 5,742,816, filed 9/15/95) as applied to claim 32 above, and further in view of Angiulo et al. (Pat. No. 6,275,829 filed 11/25/1997, hereinafter Angiulo).

38. Regarding Claim 35, Barr teaches the index image includes data of text and a image in which display sizes of text and a image displaying (col. 14, lines 29-67, col. 15, lines 1-67, col. 16, lines 1-67).

Art Unit: 2177

However, Barr does not expressly teach a page being reduced.

Angiulo teaches representing a graphic image on a web page with a thumbnail-sized image.

The method and associated system for representing a graphic image on a web page with a thumbnail-sized image as taught or suggested by Angiulo includes:

reducing a page (Abstract, lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the textual documents and multimedia files of Barr's method with the thumbnail-sized image method of Angiulo because Angiulo's method enables an original image to be represented by a thumbnail (reduced size) image, wherein the thumbnail is produced and placed into a web page that is being created or edited.

*Other Prior Art Made of Record*

39. A. Wolf (Pat. No. 5,517,605) discloses a method and apparatus for managing browsing, and selecting graphic images.

Art Unit: 2177

*Conclusion*

40. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

*Name of Contact*

41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is 703-305-8750.

The examiner can normally be reached on Mon-Thur from 6:30 to 3:00 pm.

The fax phone numbers for the organization where the application or proceeding is assigned are as follows:

(703) 746-7238 (After Final Communication)

or:

(703) 746-7239 (Official Communications)

(703) 746-7240 (For Status inquiries, draft communication)

any/or:

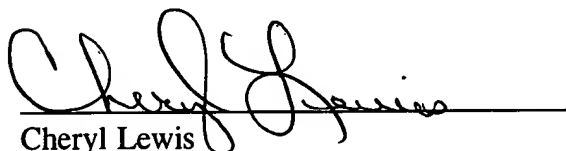
(703) 746-5651 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.)

Any inquiry of a general nature of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

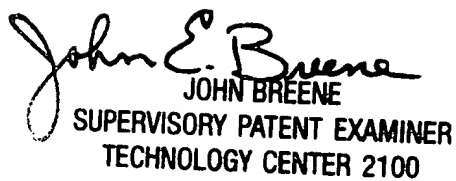
Art Unit: 2177

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

A handwritten signature in black ink, appearing to read "Cheryl Lewis", written over a horizontal line.

Cheryl Lewis  
Patent Examiner  
February 7, 2002

A handwritten signature in black ink, appearing to read "John E. Breene", written over a horizontal line.

JOHN BREENE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100